

Press ReleaseNational Labor Relations Board Office of the General Counsel

July 8, 2010

Contact:

Office of Public Affairs 202-273-1991 publicinfo@nlrb.gov www.nlrb.gov

NLRB orders union election at tribal casino in Connecticut

Following an investigation and hearing, the National Labor Relations Board's Regional Office in Connecticut has ordered that a union election be held at Foxwoods Resort and Casino, operated by the Mashantucket Pequot Tribe.

The United Food and Commercial Workers Union, Local 371, filed a petition for the election covering about 375 bartenders, beverage servers, lounge hosts and bar porters, but the Tribe argued that the NLRB did not have jurisdiction on tribal land. Instead, the Tribe said the election should be conducted through its own labor relations agency, which was created three years ago in response to an earlier union petition.

The casino complex is said to be the largest in the world, generating more than \$1 billion a year and employing about 9,000 workers, most of whom are not tribal members.

In issuing his decision July 7, Regional Director Jonathan B. Kreisberg relied on previous decisions by the NLRB that the Board would take jurisdiction on tribal lands except in matters of "self-government in purely intramural matters", or in cases where it would abrogate treaty rights, or where there is "proof" in statutory language that Congress did not intend for the law to apply to Indian tribes. The Regional Director found that none of those conditions applied.

Furthermore, he found that the tribe's labor relations law is not comparable to the National Labor Relations Act in that it bans strikes, exempts employee safety and other subjects from collective bargaining, and requires tribal licensing of any union business agent.

The NLRB has ordered two previous elections at Foxwoods, one of which involved the United Auto Workers and resulted in the Board's certification of the UAW as the representative of poker and table game dealers. After a series of NLRB and federal court appeals by the tribe, the UAW agreed to be certified and governed by tribal law rather than the NLRB, which ultimately resulted in a collective bargaining agreement. Three other union elections were later held at Foxwoods involving different unions and sets of employees, all under the tribal labor relations law.

In April, 2009, a fourth election was held under tribal law involving the UFCW and the bartenders group, which the UFCW lost. The UFCW later petitioned the NLRB in the current case.

A date for the election has not yet been set. Today's order requires the employer to provide the union a list containing names and addresses of all eligible voters in the current unit within seven days. The Casino operator may file a request for review of the election order with the NLRB on or before July 21.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

###